
STATUTORY INSTRUMENTS

1976 No. 1042

Sex Discrimination (Northern Ireland) Order 1976

PART VIII

ENFORCEMENT

Period within which proceedings to be brought

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76.—(1) [^{F1}An industrial tribunal] shall not consider a complaint under Article 63 unless it is presented to the tribunal before the end of

- [^{F2}(a) the period of three months beginning when the act complained of was done; or
- (b) in a case to which Article 82(9A) applies, the period of six months so beginning.]

[^{F3}(1A) Article 249B of the Employment Rights (Northern Ireland) Order 1996 (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (1)(a).

(1B) Paragraphs (1) and (1A) shall be treated as provisions of the Employment Rights (Northern Ireland) Order 1996 for the purposes of Article 249B of that Order.]

(2) [^{F4}A county court] shall not consider a claim under Article 66 unless proceedings in respect of the claim are instituted before the end of—

- (a) the period of six months beginning when the act complained of was done; or
- (b) in a case to which Article 66(5) applies, the period of eight months so beginning.

(3) [^{F5}An industrial tribunal] or county court shall not consider an application under Article 72(2) (a) unless it is made before the end of the period of six months beginning when the act to which it relates was done; and a county court shall not consider an application under Article 72(4) unless it is made before the end of the period of five years so beginning.

(4) [^{F6}An industrial tribunal] shall not consider a complaint under Article 73(1) unless it is presented to the tribunal before the end of the period of six months beginning when the act complained of was done.

(5) A court or tribunal may nevertheless consider any such complaint, claim or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(6) For the purposes of this Article—

- (a) where the inclusion of any term in a contract renders the making of the contract an unlawful act that act shall be treated as extending throughout the duration of the contract, and
- (b) any act extending over a period shall be treated as done at the end of that period, and
- (c) a deliberate omission shall be treated as done when the person in question does an act inconsistent with doing the omitted act or, if he has done no such inconsistent act, when

Changes to legislation: Sex Discrimination (Northern Ireland) Order 1976, Cross Heading: Period within which proceedings to be brought is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

the period expires within which he might reasonably have been expected to do the omitted act if it were to be done.

- F1** Words in art. 76(1) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 5(2)(a)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** 1996 c. 46
- F3** Art. 76(1A)(1B) inserted (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), s. 29(2), **Sch. 2 para. 3**; S.R. 2020/1, art. 2(n)
- F4** Words in art. 76(2) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 5(2)(b)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in art. 76(3) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 5(2)(a)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in art. 76(4) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 5(2)(a)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Extension of time limit: mediation

F776A.

- F7** Art. 76A omitted (31.12.2020) by virtue of [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 5(3)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

Sex Discrimination (Northern Ireland) Order 1976, Cross Heading: Period within which proceedings to be brought is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Instrument am. (prosp.) by [1998 c. 17 s.50Sch.4 para.13](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.12](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 46 s. 22](#)
- Act amended by [1996 c. 46 s. 22](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.3 rev. \(prosp.\) by 1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(4\). Sch.15](#)
- [Sch.6 para.2 rev. \(prosp.\) by 1998 c. 47 s. 100\(2\)Sch.15](#)
- [art.19\(6\)\(aa\) added \(prosp.\) by 1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- [art.19\(6\)\(aa\) added \(prosp.\) by 1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- [art.54\(2\)\(3\)\(4\) rev. \(prosp.\) by 1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(3\)\(b\). Sch. 15](#)